REMARKS

Claim 31 is canceled without prejudice, claim 34 is added, and therefore claims 11 to 13, 17 to 30, and 32 to 34 are currently pending.

Reconsideration of the application is respectfully requested based on the following remarks.

With respect to paragraph 3, the specification has been objected to because of informalities. Specifically, the Office Action states there is no brief description of Fig. 3 in the specification. In response, Applicants have amended the specification to include a brief description of Fig. 3. No new matter has been added by this amendment. Therefore, it is respectfully requested that this objection be withdrawn.

With respect to paragraph 4 of the Office Action, claims 11-13 and 17-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kellum, U.S. Patent Application Publication No. 2004/0153244 ("Kellum"), in view of Rao et al., U.S. Patent Application Publication No. 2004/0019420 ("Rao").

To reject a claim for obviousness under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine the reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fe d. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Independent claims 11 and 33 are to a device and method, respectively, that classifies objects based on their velocities and accelerations received from an environmental sensor system of a vehicle. Both independent claims include the claim feature wherein a particular object is classified into either a pedestrian object class or a vehicle object class (based on their velocities and accelerations).

The "Kellum" and "Rao" references, either individually or in combination, do not disclose or even suggest the above-identified claim features. In particular, the "Kellum" and "Rao" references do not disclose or suggest anything concerning a pedestrian object class, and therefore cannot possibly disclose or suggest the claim feature of classifying objects into

either a pedestrian or vehicle object class based on their velocity and acceleration. By contrast, the presently claimed subject matter advantageously distinguishes between these two different classes, and can therefore advantageously provide different response strategies based on the appreciably different situations in which the object is a vehicle or a pedestrian. Neither the "Kellum" reference nor the "Rao" reference recognizes the advantages so provided.

Therefore, the above-discussed features of claims 11 and 33 are not disclosed or even suggested by the "Kellum" and "Rao" references. Accordingly, claims 11 and 33, as well as their dependent claims, are allowable.

Regarding new claim 34, this claim does not add any new matter and is supported by the present application, depends from independent claim 11, and is therefore allowable for substantially the same reasons as discussed above in regards to the allowability of claim 11.

Accordingly, claims 11 to 13, 17 to 30, and 32 to 34 are allowable.

CONCLUSION

Applicants respectfully submit that all pending claims of the present application are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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